

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DIANNE L. KELLEY and KENNETH  
HANSEN,

Plaintiffs,

v.

MICROSOFT CORPORATION, a Washington  
Corporation,

Defendant.

No. C07-0475 MJP

SUPPLEMENTAL DECLARATION OF  
WILLIAM C. SMART

CLASS ACTION

I, William C. Smart, declare as follows:

1. Identity and Competency. I am an attorney with the law firm of Keller Rohrback L.L.P. Together with Gordon Tilden Thomas & Cordell, L.L.P., we represent the plaintiffs.

2. Authentication of Documents. Attached as exhibits are true and correct copies of the following documents:

<u>Exhibit Name</u>	<u>Tab</u>
Confidential Excerpts from the Microsoft Business Terms Document for OEM Customers and from the Microsoft Desktop Operating System License Agreement for OEM Customers with Toshiba [2004-2005 Agreement as produced by Microsoft] [MS-KELL 5003003-07, 5003035-40; Microsoft Designated "CONFIDENTIAL"]	A

SUPPLEMENTAL DECLARATION OF WILLIAM C. SMART  
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<u>Exhibit Name</u>	<u>Tab</u>
Brief of Conflict-of-Laws Professors as <i>Amici Curiae</i> in Support of Plaintiffs-Appellees, <u>Barbara's Sales, Inc. v. Intel Corp.</u> , No. 103287, 2007 Ill. LEXIS 1698 (Ill. Nov. 29, 2007)	B
Pages 1, 24 and 25 of Microsoft's Amended Objections and Responses to Plaintiffs' First Set of Requests for Admissions	C

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of December, 2007, at Seattle, Washington.



William C. Smart

**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

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